

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HURSELL DALE WHEELER,

Plaintiff,

v.

SMITH COUNTY JAIL STAFF,

Defendant.

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Case No. 6:19-CV-7-JDK-JDL


ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff Hurshell Dale Wheeler, an inmate confined in the Smith County Jail, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. Docket No. 1. The complaint was referred to United States Magistrate Judge John D. Love (Docket No. 3), who issued a Report and Recommendation concluding that the lawsuit should be dismissed for want of prosecution and failure to obey an order. Docket No. 8. As of March 8, 2019, Plaintiff has neither responded nor complied with the order. The case should thus be dismissed for want of prosecution and failure to obey an order.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections being raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. It is therefore

ORDERED that the complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order of the Court. FED. R. CIV. P. 41(b). All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **9th** day of **March, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE